IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 17478 of 2004(E)

PETITIONER:

CHERIYAN, S/O. CHERIYAN,
MANIYAKAPARA HOUSE, MELAMPARA P.O.,
KOTTAYAM DISTRICT.

BY ADV. SRI.GEORGEKUTTY MATHEW.

RESPONDENT:

THE THAHASILDAR, MEENACHIL TALUK,
PALAI.

BY GOVERNMENT PLEADER SRI. K.V. MANOJ KUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.17478/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE SALE DEED DTD. 18/08/1995.

EXT.P.2: COPY OF THE LETTER DTD. 21/11/2003 ISSUED BY THE R.2. TO THE PETITIONER.

EXT.P.3: COPY OF THE ENCUMBERANCE CERTIFICATE DTD. 17/03/2004 ISSUED BY THE SUB REGISTRAR OFFICE, ERATTUPETTA.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 17478 OF 2004

Dated this the 12th day of July, 2007.

J U D G M E N T

This writ petition is filed with the following prayer:

> i) issue a writ of mandamus directing the respondent to effect mutation of the Ext. P1 property in favour of the petitioner within the time limit fixed by this Honourable Court.

2. It is seen from the counter affidavit filed by the respondent that the transferor of the petitioner was a defaulter for an amount of Rs. 16,035/- with interest in respect of bank loan arrears. The particulars are also furnished in the counter affidavit. It is also stated in the counter affidavit that the transfer took place after issuance of revenue recovery notice.

In the above circumstances, it will be open to the petitioner to proceed against his vendor or take steps to clear the arrears due on land. Petitioner submits that the debt is time-barred. It will be open to the petitioner also to pursue the matter in appropriate proceedings after impleading the Bank and also his vendor.

KURIAN JOSEPH, JUDGE.

smp